

RESPONSE TO EXAMINER'S REQUEST FOR INFORMATION

Requests GNE received from outside investigators (no date cut-off):

- A.1 Number of requests for antibody 7C2: **19**
- A.2 Number of requests for antibody 7C2 refused: **1**
- A.3 Number of requests for antibody 7C2 granted: **18**
- A.4 Number of the granted requests for antibody 7C2 for which a material transfer agreement (MTA) was required: **18**

- B.1 Number of requests for antibody 7F3: **8**
- B.2 Number of requests for antibody 7F3 refused: **2**
- B.3 Number of requests for antibody 7F3 granted: **6**
- B.4 Number of the granted requests for antibody 7F3 for which a material transfer agreement (MTA) was required: **6**

Requests GNE received from outside investigators prior to October 18, 1996:

- A.1 Number of requests for antibody 7C2: **4**
- A.2 Number of requests for antibody 7C2 refused: **0**
- A.3 Number of requests for antibody 7C2 granted: **4**
- A.4 Number of the granted requests for antibody 7C2 for which a material transfer agreement (MTA) was required: **4**

- B.1 Number of requests for antibody 7F3: **4**
- B.2 Number of requests for antibody 7F3 refused: **1**
- B.3 Number of requests for antibody 7F3 granted: **3**
- B.4 Number of the granted requests for antibody 7F3 for which a material transfer agreement (MTA) was required: **3**

REMARKS

The information regarding requests received from outside investigators prior to and after October 18, 1996 (the filing date of the instant application) is listed separately in the section entitled "Response to Examiner's Request for Information." Applicants believe that the above information is accurate, subject to the completeness and searchability of its records from its MTA program. "Resupplies" of reagent to the same institution or investigator are considered to be a single request. Two of the 7C2 requests were governed under a collaborative research or business development agreement that contained outgoing material transfer provisions. Requests where the investigator did not proceed after seeing the terms of the MTA, or never followed up with the request, are identified herein as being "refused."

In a telephone conversation held August 17, 2006, with the undersigned, the Examiner stated the request for information was not limited to dates prior to October 18, 1996. As the Office is aware, "public use" of a claimed invention under 35 U.S.C. § 102(b) occurs when the inventor allows another person to "use the invention without limitation, restriction or obligation of secrecy to the inventor." See, Amendment filed March 1, 2006, page 9. Whether the claimed antibodies are publicly available after the filing date of the instant specification is immaterial for purposes of overcoming a "public use" rejection under 35 U.S.C. § 102(b).

Although Applicants respectfully object to the Examiner's inquiry into the requests for, and releases of, the antibodies post filing date as being legally unsupportable under 35 U.S.C. §102(b) and 35 U.S.C. § 103(a), in the interest of cooperation and to

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further prosecution of the instant application, Applicants have provided the requested information.

The submission of the requested information is believed to be fully responsive to the Examiner's Request for Information.

Respectfully submitted,

MERCHANT & GOULD P.C.

September 7, 2006

Date

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